IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 4264 of 2007(G)

PETITIONER:

THRIVIKRAMAN NAIR, SARITHA VILLA,
KURATTISSERY, MANNAR.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ALAPPUZHA.

2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR.

3. THE TAHASILDAR,
CHENGANNUR.

BY G.P. SRI.MOHAMMED RAFFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF ASSESSMENT ORDER DT.31.5.2005 OF R3.

P2: TRUE COPY OF ORDER DT.6.3.2006.

P3: TRUE COPY OF ASSESSMENT ORER AND DEMAND NOTICE DT.26.7.2006.

P4: TRUE COPY OF PETITION DT.22.8.2006 SUBMITTED BEFORE R1.

P5: TRUE COPY OF COMMUNICATION DT.18.9.2006 ISSUED BY R1.

P6: TRUE COPY OF COMMUNICATION DT.12.1.2007 OF R3.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.4264 of 2007

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Dated this the 1st day of June, 2007.

JUDGMENT

Heard counsel for the petitioner and Government Pleader. The dispute pertains to plinth area of a residential building. When the original assessment was for 287.8 sq. metres, petitioner claimed that the plinth area is only 155.8 sq. metres. The RDO ordered remeasurement in appeal. When the building is measured again, plinth area is found to be 319.91 sq. metres. On the face of it, petitioner's claim is bogus because difference in plinth area is substantial. I feel any more measurement should be ordered only on petitioner remitting cost for the same. In the circumstances, there will be direction to the Tahsildar to get the measurement done by the Assistant Executive Engineer of PWD, if petitioner so desires, on petitioner making a deposit of rupees five thousand towards cost with the third respondent. If petitioner's claim is correct, then the tax will be reduced and amount deposited by petitioner will be refunded to him immediately thereafter. However, if measurement made by the Tahsildar is found to be correct, the deposit amount will be credited in the Treasury towards cost ordered by this court in favour of the State. It is open to the petitioner to

measure the plinth area by himself and if satisfied, to accept the order and remit tax or otherwise ask for a fresh measurement on the above terms.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms